

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	CRIMINAL NO. 03-365-A
v.)	
)	<u>COUNT 1:</u> 18 U.S.C. §1425(a)
SOLIMAN S. BIHEIRI)	(Unlawful Procurement of Naturalization)
a/k/a/ Soliman J. Biheiri)	
Soliman S. Beheiri)	<u>COUNT 2:</u> 18 U.S.C. §1001(a)
Soliman J. Beheiri)	(Materially False Statements)
Soliman Behairy)	
)	<u>COUNT 3:</u> 18 U.S.C. §1015(a)
)	(False Oath in Matter Relating to
)	Naturalization)

INDICTMENT

AUGUST 2003 TERM -- AT ALEXANDRIA

COUNT 1

Unlawful Procurement of Naturalization

THE GRAND JURY CHARGES THAT:

Between on or about March 15, 1999, and on or about August 21, 2000, in Arlington County, in the Eastern District of Virginia, SOLIMAN S. BIHEIRI did knowingly procure and attempt to procure his own naturalization contrary to law. Specifically, SOLIMAN S. BIHEIRI procured and attempted to procure his naturalization contrary to law in that in the Application for Naturalization (Form N-400) he submitted on March 15, 1999, and swore to on August 21, 2000, he made the following false statements under oath and false material statements:

1. At Part 3 (Additional Information About You) of the Application for Naturalization, under the heading “Absences from the U.S.”, he stated that he had been absent from the United States only once in the five years preceding his Application for Naturalization, when in fact, as the defendant then well knew, he had been absent from the United States approximately 16 times during the five years preceding his Application for Naturalization; and,
2. At Part 7 (Additional Eligibility Factors) of the Application for Naturalization, he stated he had not knowingly committed a crime for which he had not been arrested, when in fact, as the defendant then well knew:
 - a. On or about August 8, 1991, he made knowingly made, and caused to be made, materially false, fictitious and fraudulent statements and representations in a matter within the jurisdiction of the Department of Labor, in that, in an Application for Alien Employment Certification, he falsely stated, and caused to be stated that:
 - i. the name of his “prospective employer” was BMI, Inc.; that his “work experience” between 1985 and the date of the Application did not include BMI, Inc.; and
 - ii. the President of his prospective employer, BMI, Inc., was Hussein Ibrahim and the President of BMI, Inc., would be his supervisor;when, in fact as the defendant then well knew, he had founded BMI, Inc. on or about March 19, 1986, had continuously been its President through the date he swore to this Application; and Hussein Ibrahim was the Vice-President of BMI, Inc. and had been so since 1988, in violation of Title 18, United States Code, Section 1001(a)(2); but he was not arrested for that crime;
 - b. On or about April 2, 1993, in a matter within the jurisdiction of the Immigration and Naturalization Service, he had knowingly and willfully used a false writing or document knowing it to contain materially false statements, in support of his Second Preference Petition (Form I-140), to wit, a letter on the letterhead of BMI, Inc., dated March 9, 1993, which falsely stated that;
 - i. a “position of vice president” was “being offered to Mr. Biheiri”;
 - ii. that from August 1985 through May 1990, Biheiri’s work experience was “in H-1 status as a Financial Economist at CCI”;

- iii. that the person who signed the letter, Hussein Ibrahim, was the president of BMI, Inc.;

when, in fact as the defendant then well knew, he had founded BMI, Inc., on or about March 19, 1986; had continuously been its President through the date he swore to this Application; that CCI was a Cambridge, Massachusetts, computer firm, while BMI, Inc., was an Islamic investing firm located in New Jersey; and Hussein Ibrahim was the Vice-President of BMI, Inc., and had been so since 1988; in violation of Title 18, United States Code, Section 1001(a)(3); but he was not arrested for that crime;

- c. On or about December 21, 1993, in a matter within the jurisdiction of the Department of State, he had knowingly and willfully used a false writing or document knowing it to contain materially false, fictitious and fraudulent statements, in support of his Application for Immigrant Visa and Alien Registration, which he had submitted to the American Embassy in Bern, Switzerland supported by the following:

- i. the materially false Application for Alien Employment Certification, described in paragraph 2(a), above;
- ii. the materially false Second Preference Petition (Form I-140), described in paragraph 2(b), above,

in violation of Title 18, United States Code, Section 1001(a)(3); but he was not arrested for that crime;

- d. Beginning no later than on or about July 22, 1991, and continuing through to the date of his naturalization interview, on or about August 21, 2000, he conspired with others whose identities are known to the grand jury, to defraud the Immigration and Naturalization Service, the Department of Labor and the Department of State, and to commit offenses, in order unlawfully to gain naturalization as a United States citizen; in the manner described in paragraphs 2(a)-(c), above; in violation of Title 18, United States Code, Section 371; but he was not arrested for that crime.

These false statements were made in violation of Title 18, United States Code, Sections 1001(a) and 1015(a).

(In Violation of Title 18, United States Code §1425(a)).

COUNT 2

Materially False Statements

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 15, 1999, in Arlington County, in the Eastern District of Virginia, SOLIMAN S. BIHEIRI did knowingly and willfully make false, fictitious, and fraudulent material statements and representations in a matter within the jurisdiction of the Immigration and Naturalization Service, an agency of the executive branch of the government of the United States, in that in the Application for Naturalization (Form N-400) he submitted on March 15, 1999, he made the false, fictitious and fraudulent material statements and representations specified in Paragraphs 1 through 3 of Count 1 of this Indictment, which Paragraphs are incorporated here by reference.

(In violation of Title 18, United States Code, Sections 1001(a)(2)).

COUNT 3

False Oath in Matter Relating to Naturalization

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 21, 2000, in Arlington County, in the Eastern District of Virginia, the defendant, SOLIMAN S. BIHEIRI, did unlawfully and knowingly make a false statement under oath in a case, proceeding and matter relating to, under, and by virtue of a law of the United States relating to naturalization, in that, while under oath in connection with an Application for Naturalization (Form N-400), the defendant made the false statements alleged in Paragraphs 1 through 3 of Count 1 of this Indictment, which are incorporated here by reference, to an Immigration and Naturalization Service district adjudications officer.

(In Violation of Title 18, United States Code, §1015(a)).

A TRUE BILL:

FOREPERSON
UNITED STATES GRAND JURY

PAUL J. McNULTY
UNITED STATES ATTORNEY

By: _____
Justin W. Williams
Chief, Criminal Division

By: _____
Steven P. Ward
Special Assistant United States Attorney

By: _____
Gordon D. Kromberg
Assistant United States Attorney